

Lyle R. Drake—3692
DENTONS DURHAM JONES PINEGAR, P.C.
192 East 200 North, Third Floor
St. George, Utah 84770
435/674-0400

IN THE FIFTH JUDICIAL DISTRICT COURT
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

IN THE MATTER OF THE ESTATE OF

RICHARD ABRAM KIRKLAND,

Deceased.

**PETITION FOR FORMAL ADJUDICATION
OF INTESTACY, ORDER DETERMINING
HEIRS, AND FORMAL APPOINTMENT OF
PERSONAL REPRESENTATIVE**

Probate No. _____

Judge: _____

Petitioner, R. Michael Kirkland, states and represents to the Court that:

1. Petitioner's interest in this matter is that of an heir of the decedent and a person having priority for appointment as personal representative.
2. The decedent, Richard Abram Kirkland, died on December 6, 2016. (See attached certified death certificate, Exhibit "A".)
3. Venue is proper because at the time of death the decedent was domiciled in Washington County, Utah.
4. The decedent's estate was never probated and cannot now be probated because more than three (3) years have passed since the decedent's death (U.C.A. 75-3-107).
5. The names and addresses of the spouse, children, and heirs of the decedent and other persons entitled to notice pursuant U.C.A. 75-3-403, and the ages of those who are minors, so far as known or ascertainable with reasonable diligence by petitioner are as follows:

NAMES and ADDRESSES

AGE

RELATIONSHIP

R. Michael Kirkland
P.O. Box 220
Snowqualmie, WA 98065

Son; petitioner

6. No personal representative has been appointed in this state or elsewhere.
7. Petitioner has neither received nor is aware of any demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere.
8. The decedent was named as a beneficiary under the Terrestrial Kingdom of God Trust dated November 26, 1993 (referred to as the "TKOG Trust"), created by his father, Steven E. Kirkland. The decedent's portion of the TKOG Trust is being held by the Trustee of the TKOG Trust until the proper beneficiary entitled to distribution from the TKOG Trust of the decedent's beneficial interest is determined in this proceeding.
9. At the time of the decedent's death, distribution of the decedent's estate was governed by the provisions of Utah Code §75-2-103, which provides that if there is no surviving spouse, the decedent's estate passes to the decedent's descendants per capita at each generation as defined in Subsection 75-2-106(2). Under that provision, as the only child of the decedent, petitioner is the only surviving descendant in the generation nearest the decedent, and therefore is the sole heir of the decedent.
10. (a) The person whose appointment as Personal Representative is sought is R. Michael Kirkland, whose address is P.O. Box 220, Snowqualmie, WA 98065, and is qualified to act as such and has priority because there is no person with a higher or equal priority for appointment.
(b) The person whose appointment as Personal Representative is sought has priority for appointment as the sole heir of the decedent.
11. Bond is not required under U.C.A. 75-3-603.

WHEREFORE, Petitioner requests that:

1. The Court fix a time and date of hearing.
2. Notice by given as required by law.

3. The Court enter an order finding that the decedent died intestate and determining the decedent's heirs.
4. R. Michael Kirkland be formally appointed Personal Representative of the estate of the decedent, to act without bond.
5. Upon qualification and acceptance, Letters of Administration be issued.

DATED: June 21, 2023

/s/ R. Michael Kirkland
R. Michael Kirkland
P.O. Box 220
Snowqualmie, WA 98065

DATED: July 3, 2023.

/s/ Lyle R. Drake
Attorney for the Petitioner

VERIFICATION

STATE OF WASHINGTON)
 : ss
COUNTY OF KING)

Petitioner, being sworn, says that the facts set forth in the foregoing Petition for Formal Adjudication of Intestacy, Order Determining Heirs, and Formal Appointment of Personal Representative are true, accurate, and complete to the best of petitioner's knowledge and belief.

/s/ R. Michael Kirkland
R. Michael Kirkland, Petitioner

SUBSCRIBED AND SWORN to before me this 21st day of June, 2023.

Notary Public – State of Washington
/s/ Dana D. Edwards
License Number: 194029
My Commission Expires: July 28, 2025